IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE IAP40 JAN 19 2006 PATENT & TRADEMARK OFFICE

In re Applicant:	Iris PECKER	§	
Serial No.:	10/759,031	§	
Filed:	January 20, 2004	§	Group Art Unit: 1644
For:	HIGH LEVEL EXPRESSION OF RECOMBINANT HUMAN ERYTHROPOIETIN HAVING A MODIFIED 5'-UTR	§	Attorney Docket: 27179
Examiner: unknown		§	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a PTO Form 1449 which lists citations which may be material to the patentability and examination of the above identified application. Also enclosed are copies of the references cited. These are submitted in compliance with the duty of disclosure defined in 37 CFR 1.56. The Examiner is requested to make these citations of official record in this application.

This Information Disclosure Statement under 37 CFR 1.56 is not to be construed as a representation that a search has been made, that additional matter which is material to the examination of this application does not exist, or that any or more of these citations constitutes prior art.

Respectfully submitted,

Martin D. Moynihan
Registration No. 40,338

Dated: January 17, 2006

JAN 19 2006
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PTO/SB/08a (08-03)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known	
Application Number	10/759,031
Filing Date	January 20, 2004
First Named Inventor	Iris PECKER
Art Unit	1644
Examiner Name	unknown
Attorney Docket Number	27179

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. [1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-3,791,932	02-12-1974	Schuurs et al.	
	2	US-3,839,153	01-1-1974	Schuurs et al.	
	3	US-3,850,578	01-26-1974	McConnell	
	4	US-3,850,752	11-26-1974	Schuurs et al.	
	5	US-3,853,987	12-10-1974	Dreyer	
	6	US-3,867,517	02-18-1975	Ling	
	7	US-3,879,262	04-22-1975	Schuurs et al.	
	8	US-3,901,654	08-26-1975	Gross	
	9	US-3,935,074	01-27-1976	Rubenstein et al.	
	10	US-3,984,533	05-5-1976	Uzgiris	
	11	US-3,996,345	07-7-1976	Ullman et al.	
	12	US-4,034,074	05-5-1977	Miles	
	13	US-4,098,876	04-4-1978	Piasio et al.	
	14	US-4,666,828	05-19-1987	Gusella	
	15	US-4,683,202	07-28-1987	Mullis	
	16	US-4,801,531	01-31-1989	Frossard	
	17	US-4,879,219	07-7-1989	Wands et al.	
	18	US-5,011,771	04-30-1991	Bellet et al.	
	19	US-5,192,659	09-9-1993	Simons	
	20	US-5,272,057	12-21-1993	Smulson et al.	
	21	US-5,281,521	01-25-1994	Trojanowski et al.	
	22	US-5,464,764	07-7-1995	Capecchi et al.	
	23	US-5,487,992	01-30-1996	Capecchi et al.	
	24	US-5,688,679	11-18-1997	Powell	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. [1]	Foreign Patent Documents Country Code[3]-Number[4]-Kind Code[5] (*if known*)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T [6]
	25	PCT WO 86/07594	12-30-1986	Por Hsiung et al.		

Examiner Signature		Date Considered	

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Sheet 2 Of 2

Examiner Initials	Cite No.[1]	OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
	26	Cone et al. "High-Efficiency Gene Transfer Into Mammalian Cells: Generation of Helper-Free Recombinant Retrovirus With Broad Mammalian Host Range", Proc. Natl. Acad. Sci. USA, 81: 6349-6353, 1984.	
	27	Jacobs et al. "Isolation and Characterization of Genomic and cDNA Clones of Human Erythropoietin", Nature, 313(6005): 806-810, 1985. Abstract.	
	28	Kozak "Influences of mRNA Secondary Structure on Initiation by Eukaryotic Ribosomes", Proc. Natl. Acad. Sci. USA, 83: 2850-2854, 1986.	
	29	Kozak "Circumstances and Mechanisms of Inhibition of Translation by Secondary Structure in Eucaryotic mRNAs", Molecular and Cellular Biology, 9(11): 5134-5142, 1989.	
	30	Kozak "Effects of Long 5' Leader Sequences on Initiation by Eukaryotic Ribosomes In Vitro", Gene Expression, 1(2): 117-125, 1991. Abstract.	
	31	Kozak "Structural Features in Eukaryotic mRNAs That Modulate the Initiation of Translation", The Journal of Biological Chemistry, 266(30): 19867-19870, 1991.	
	32	Kozak "At Least Six Nucleotides Preceding the AUG Initiator Codon Enhance Translation in Mammalian Cells", Journal of Molecular Biology, 196(4): 947-950, 1987. Abstract.	
	33	Kozak "An Analysis of 5'-Noncoding Sequences From 699 Vertebrate Messenger RNAs", Nucleic Acids Research, 15: 8125-8148, 1987.	
	34	Kozak "Context Effects and Inefficient Initiation at Non-AUG Codons in Eucaryotic Cell-Free Translation Systems", Molecular and Cellular Biology, 9(11): 5073-5080, 1989.	
	35	Kozak "The Scanning Model for Translation: An Update", The Journal of Cell Biology, 108: 229-241, 1989.	
	36	Lin et al. "Cloning and Expression of the Human Erythropoietin Gene", Proc. Natl. Acad. Sci. USA, 82: 7580-7584, 1985.	
	37	Park et al. "Efficiency of Promoter and Cell Line in High-Level Expression of Erythropoietin", Biotechnology and Applied Biochemistry, 32: 167-172, 2000.	
	38	Pelletier et al. "Insertion Mutagenesis to Increase Secondary Structure Within the 5' Noncoding Region of A Eukaryotic mRNA Reduces Translational Efficiency", Cell, 40(3): 515-526, 1985. Abstract.	

Signature		Considered	

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[1]. Applicant's unique citation designation number (optional). [2]. Applicant is to place a check mark here if English language Translation is attached.
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